

Form and Correctness Approved: *BAP*

Contents Approved:

By: _____
Office of the City AttorneyBy: _____
DEPT. Public Works

NORFOLK, VIRGINIA

Ordinance No. 48620

AN ORDINANCE PERMITTING MATTHEW B. CARASELLA TO ENCROACH ONTO CITY OF NORFOLK RIGHT OF WAY AT 9721 17TH BAY STREET, WITH A STAIRWAY, A DECK AND A BLOCK WALL.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That permission is hereby granted to Matthew B. Carasella and his successors and assigns, the owner of certain property located at 9721 17th Bay Street, to encroach onto City of Norfolk right of way, with the corner of a deck, stairs and an existing block wall, as shown on the survey and the drawings attached hereto as Exhibits A and B, subject to and contingent upon the following conditions:

- (1) That this permission is granted for the private use of Matthew B. Carasella and his successors and assigns, and the encroaching structures shall not be used for commercial purpose or economic gain.
- (2) That this permission is expressly subject to the right of revocation by the Council and that in the event of such revocation, Matthew B. Carasella and his successors and assigns shall immediately remove the encroaching structures.
- (3) That upon the removal of the encroaching structures or any part thereof the authority hereby granted shall cease and terminate.
- (4) That Matthew B. Carasella and his successors and assigns, at their own cost and expense, shall take out and keep in full force and

effect public liability insurance in some company authorized to do business in the Commonwealth of Virginia, insuring it and naming the City of Norfolk as an additional insured party in the amount of at least \$300,000.00 against liability from any and all claims, actions and suits that may be asserted or brought against the City of Norfolk and/or Matthew B. Carasella and his successors and assigns, for any injury to or death of any person or persons or for any damage to or destruction of property resulting from the installation, maintenance, or existence of said encroaching structures; that evidence of such insurance shall be filed with the Risk Manager of the City of Norfolk.

Section 2:- That the failure of Matthew B. Carasella and his successors and assigns, to fully comply with all contingencies set forth herein shall operate as an automatic revocation of the permission granted hereby.

Section 3:- That the use of the said encroaching structure shall be deemed an acceptance by Matthew B. Carasella and his successors and assigns, of all conditions to which the permission herein granted is subject.

Section 4:- That this ordinance shall be in effect from and after its adoption.

ATTACHMENTS:

Exhibit A (1 page)

Exhibit B (1 page)

Adopted by Council January 11, 2022

Effective January 11, 2022

TRUE COPY

TESTE:

RICHARD ALLAN BULL

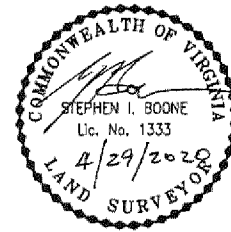
BY:

CHIEF DEPUTY CITY CLERK

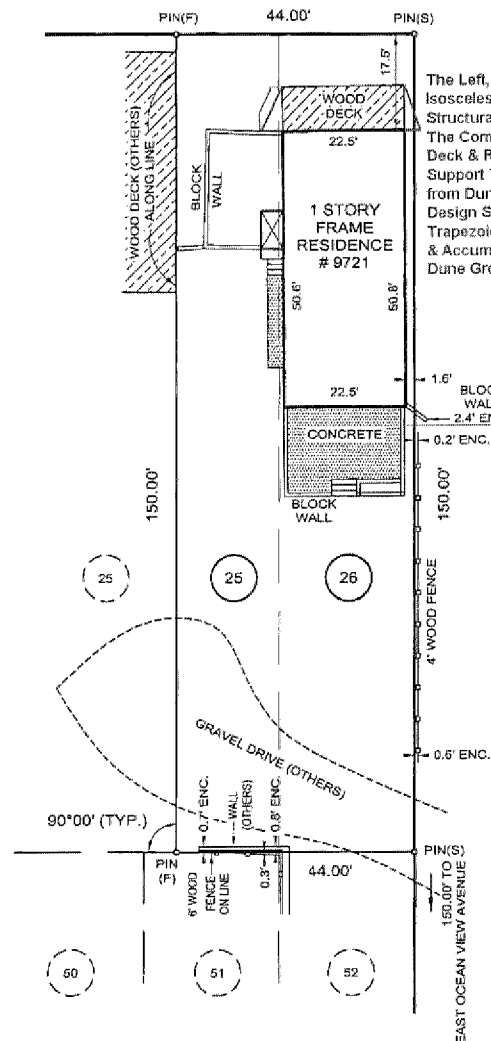
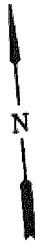
THIS IS TO CERTIFY THAT ON APRIL 27, 2020, I SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE SHOWN ON THIS PLAT. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OR VISIBLE EASEMENTS EXCEPT AS SHOWN.

THE RESIDENCE SHOWN HEREON APPEARS TO BE IN FLOOD ZONE "VE" (10.0)
FIRM MAP CITY OF NORFOLK COMMUNITY NO. 510104
MAP REVISION: FEB. 17, 2017 PANEL NO. 0037H

THIS SURVEY PERFORMED WITHOUT
THE BENEFIT OF A TITLE REPORT.



BAYSIDE AVENUE (50' R/W) (UNIMPROVED)



The Left, Right & Top Sides of the Isosceles Trapezoid Design Provides Structural Support for the 3 Sided Retaining Wall. The Complimentary Structural Support of Deck & Retaining Provides Necessary Structural Support To Withstand Shifting Earth Pressure from Dune Movement. Without a Complimentary Design Structural Integrity is Compromised. The Trapezoid Design Sustains Organic Sand Movement & Accumulation While Promoting Healthy Dune Growth.

17TH BAY STREET (40' R/W)

Pre-Existing Block Retaining Wall Keeping Back Approx. 5' of Sand

*It is 64" from the House At The Widest Point

PHYSICAL SURVEY OF

9721 17TH BAY STREET, NORFOLK, VIRGINIA
LOT 26 AND THE EASTERN 19' OF LOT 25, BLOCK 2
EAST OCEAN VIEW
PLAT A, SECTION NO. 2
M.B. 4, PG. 79 (VIRGINIA BEACH)
FOR: MATTHEW CARASELLA

STEPHEN I. BOONE & ASSOCIATES, P.C.
326 LONDON STREET, PORTSMOUTH, VA 23704
(757) 383-6809

SCALE: 1" = 20'

DATE: APRIL 28, 2020

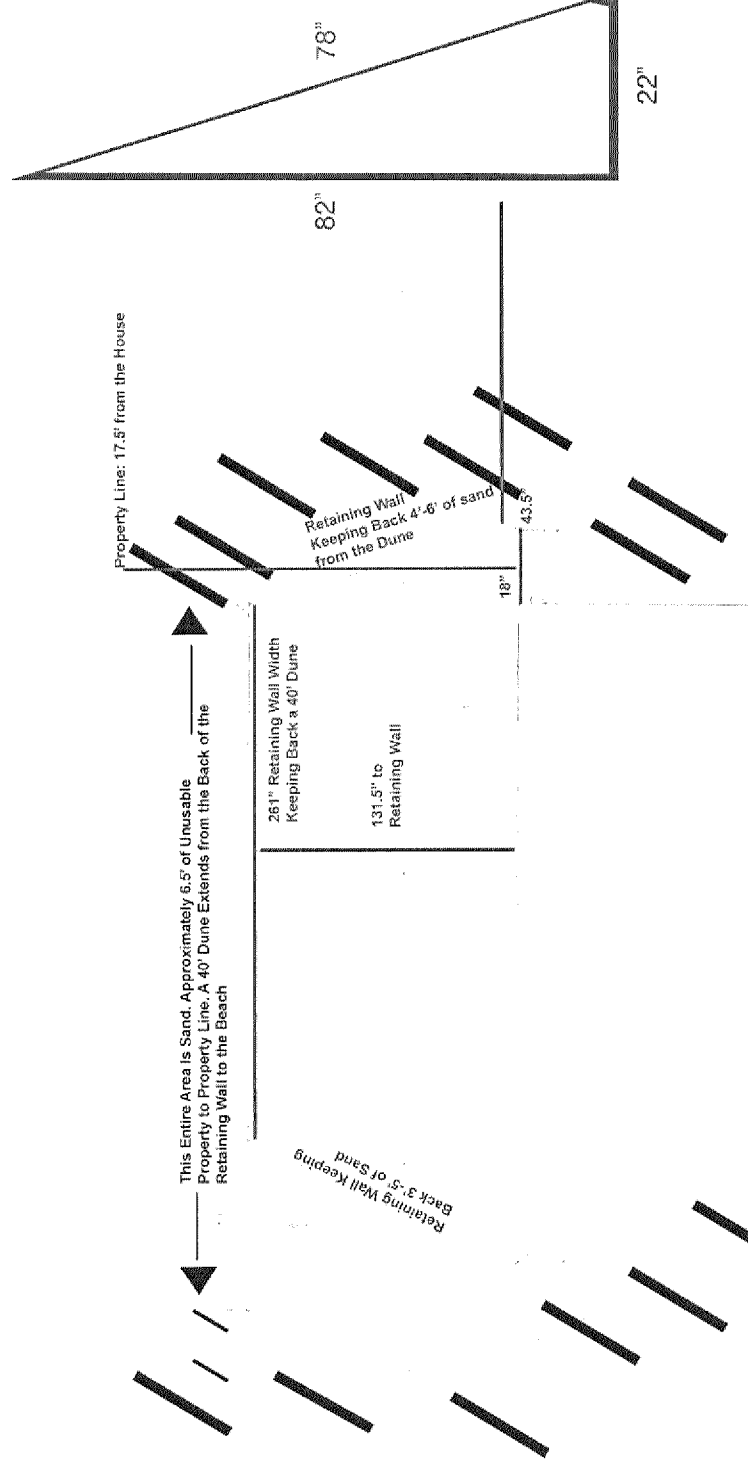
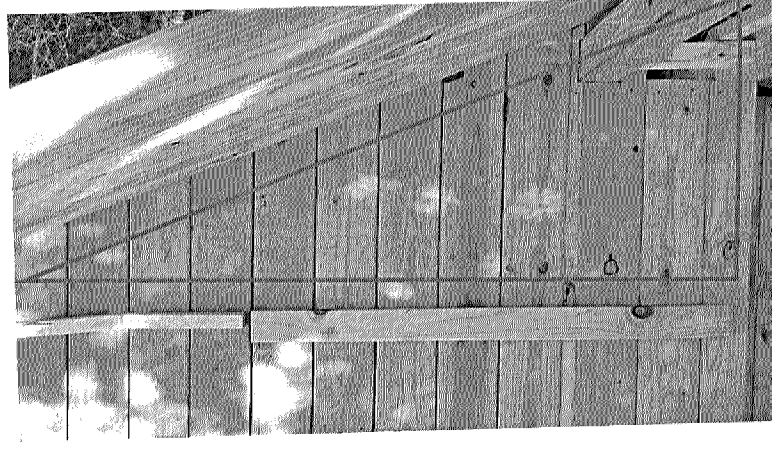
DRAFT: L.L.B.

F.B. 738, PG. 28

JOB #: 20-0166

Attachment: Ordinance Exhibit A (Ordinance No. 48620 : Encroachment into the right-of-way at 9721 17th Bay Street with a deck)

Right Corner of Deck



Best Approximation of Dimensions
on Right Corner of Deck Encroachment
(Expanded Yellow Triangle Indicates Space)

APPROXIMATELY 4.3 Square Feet

****PLEASE NOTE****

The Above Diagram has also been shared with Jeremy Sharp in the Zoning Department

VIRGINIA LAND RECORD COVER SHEET

Commonwealth of Virginia VA. CODE §§ 17.1-223, -227.1, -249

CLR220001852

FORM A – COVER SHEET CONTENT

Instrument Date: 1/11/2022

Instrument Type: ORD

Number of Parcels: 1 Number of Pages: 4

☒ City ☐ County NORFOLK
CIRCUIT COURT

Tax Exempt? VIRGINIA/FEDERAL CODE SECTION

☒ Grantor: 58.1-811 (C) (4)

☐ Grantee:

Business/Name

(Area Above Reserved For Deed Stamp Only)

1 X Grantor: CITY OF NORFOLK

Grantor:

1 Grantee: CARASELLA, MATTHEW B

Grantee:

Grantee Address

Name: MATTHEW B CARASELLA

Address: 9721 17TH BAY STREET

City: NORFOLK State: VA Zip Code: 23518

Consideration: \$0.00 Existing Debt: \$0.00 Actual Value/Assumed: \$0.00

PRIOR INSTRUMENT UNDER § 58.1-803(D):

Original Principal: \$0.00 Fair Market Value Increase: \$0.00

Original Book No.: Original Page No.: Original Instrument No.:

Prior Recording At: ☐ City ☐ County Percentage In This Jurisdiction: 100%

Book Number: N/A Page Number: N/A Instrument Number: N/A

Parcel Identification Number/Tax Map Number: 1550568983

Short Property Description: LOT 26 & PT 25, BLK 2, EO VIEW #2

Current Property Address: 9721 17TH BAY STREET

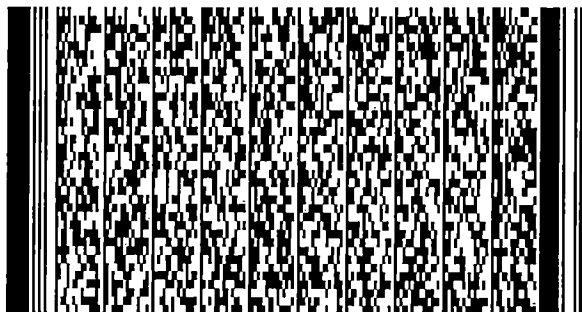
City: NORFOLK State: VA Zip Code: 23518

Instrument Prepared By: NADA N. KAWWASS Recording Paid By: N/A

Recording Returned To: NADA N. KAWWASS

Address: 810 UNION STREET, SUITE 900

City: NORFOLK State: VA Zip Code: 23510



INSTRUMENT 220001852
RECORDED IN THE CLERK'S OFFICE OF
NORFOLK CIRCUIT COURT ON
JANUARY 19, 2022 AT 03:31 PM
GEORGE E. SCHAEFER, CLERK
RECORDED BY: MXH